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\* IN THE HIGH COURT OF DELHI AT NEW DELHI

**Judgment reserved on: 02.09.2025**  
**Judgment pronounced on: 10.12.2025**

+ W.P.(C) 8304/2025, CM APPL. 36115/2025  
RAGHVENDRA SINGH & ANR. ....Petitioner

Through: Mr. Saaket Jain, Ms. Shivangi Anand, Mr. Sarthak Kumar Meena and Mr. Parth Taran Singh, Advs.

versus

UNION PUBLIC SERVICE COMMISSION  
& ANR. ....Respondents

Through: Mr. Naresh Kaushik, Sr. Adv. with Mr. Ravinder Agarwal, Mr. Manish Kumar Singh, Mr. Vasu Agarwal and Mr. Anand Singh, Advs. for UPSC  
Mr. Mukul Singh, CGSC with Mr. Aryan Dhaka, Adv. for UOI/R-2

+ W.P.(C) 10006/2025, CM APPLs. 41572/2025 & 52108/2025  
TEENA CHOUDHARY ....Petitioner

Through: Mr. Saurav Agrawal, Mr. Asav Rajan, Mr. Ajay Sharma, Mr. Mayank Biyani, Mr. Akash Saxena, Mr. Devang Shrotriya and Mr. Kashish Chadha, Advs.

versus

UNION PUBLIC SERVICE COMMISSION  
& ANR. ....Respondents

Through: Mr. Naresh Kaushik, Sr. Adv. with Mr. Ravinder Agarwal, Mr. Manish Kumar Singh, Mr. Vasu Agarwal and Mr. Anand Singh, Advs. for UPSC



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+ W.P.(C) 7137/2024, CM APPL. 29751/2024  
MAYUR DASHARATH AUTI .....Petitioner  
Through: Mr. Saaket Jain, Ms. Shivangi  
Anand, Mr. Sarthak Kumar Meena and Mr.  
Parth Taran Singh, Advs.

versus

UNION PUBLIC SERVICE COMMISSION .....Respondent  
Through: Mr. Naresh Kaushik, Sr. Adv.  
with Mr. Ravinder Agarwal, Mr. Manish  
Kumar Singh, Mr. Vasu Agarwal and Mr.  
Anand Singh, Advs. for UPSC  
Mr. Akash Vajpai, Adv.

+ W.P.(C) 3076/2025, CM APPL. 14517/2025  
CHETAN P BAWANE .....Petitioner  
Through: Mr. Pankaj Mehta, Ms. Shweta  
Soni, Ms. Akansha Singh and Mr. Apaar Puri,  
Advs.

versus

UNION OF INDIA & ANR. ....Respondent  
Through: Mr. Akash Vajpai, Adv.  
Ms. Archana Kumari, Adv.

+ W.P.(C) 3148/2025, CM APPL. 14847/2025  
KAMALAKAR SHETIBA GHADAGE .....Petitioner  
Through: Mr. Pankaj Mehta, Ms. Shweta  
Soni, Ms. Akansha Singh and Mr. Apaar Puri,  
Advs.

versus

UNION OF INDIA & ANR. ....Respondent  
Through: Mr. Syed Abdul Haseeb, CGSC  
with Mr. Wahid Mashaal and Mr. Anisul  
Haque, GP for UOI



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+ W.P.(C) 6518/2025  
SUMER SINGH & ANR. ....Petitioner  
Through: Mr. Saaket Jain, Ms. Shivangi  
Anand, Mr. Sarthak Kumar Meena and Mr.  
Parth Taran Singh, Adv.

versus

UNION OF INDIA & ORS. ....Respondent  
Through: Mr. Naresh Kaushik, Sr. Adv.  
with Mr. Ravinder Agarwal, Mr. Manish  
Kumar Singh and Mr. Vasu Agarwal, Adv.  
for UPSC  
Dr. Vijendra Singh Mahndiyan, CGSC for  
UOI

+ W.P.(C) 7043/2025, CM APPL. 31811/2025  
MAHIPAL & ORS. ....Petitioner  
Through: Mr. Saaket Jain, Ms. Shivangi  
Anand, Mr. Sarthak Kumar Meena and Mr.  
Parth Taran Singh, Adv.

versus

UNION PUBLIC SERVICE COMMISSION  
& ANR. ....Respondent  
Through: Mr. Naresh Kaushik, Sr. Adv.  
with Mr. Ravinder Agarwal, Mr. Manish  
Kumar Singh and Mr. Vasu Agarwal, Adv.  
for UPSC

+ W.P.(C) 7749/2025, CM APPL. 34346/2025  
SAHIL YADAV & ANR. ....Petitioner  
Through: Mr. Saaket Jain, Ms. Shivangi  
Anand, Mr. Sarthak Kumar Meena and Mr.  
Parth Taran Singh, Adv.

versus

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UNION PUBLIC SERVICE COMMISSION  
& ANR.

.....Respondent

Through: Mr. Naresh Kaushik, Sr. Adv.  
with Mr. Ravinder Agarwal, Mr. Manish  
Kumar Singh and Mr. Vasu Agarwal, Advs.  
for UPSC

Ms. Mahamaya Chatterjee GP with Mr.  
Akash Dubey, Adv. for UOI

+ W.P.(C) 9701/2025, CM APPL. 55245/2025  
SARWAN KUMAR & ORS.

.....Petitioner

Through: Mr. Saaket Jain, Ms. Shivangi  
Anand, Mr. Sarthak Kumar Meena and Mr.  
Parth Taran Singh, Advs.

versus

UNION PUBLIC SERVICE COMMISSION  
& ORS.

.....Respondent

Through: Mr. Naresh Kaushik, Sr. Adv.  
with Mr. Ravinder Agarwal, Mr. Manish  
Kumar Singh and Mr. Vasu Agarwal, Advs.  
Mr. Rajesh Gogna, CGSC with Ms. Priya  
Singh GP with Ms. Rebina Rai and Mr.  
Shivam Tiwari, Advs. for UOI

**CORAM:**

**HON'BLE MR. JUSTICE C. HARI SHANKAR**

**HON'BLE MR. JUSTICE OM PRAKASH SHUKLA**

**JUDGMENT**

**10.12.2025**

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**OM PRAKASH SHUKLA, J.**

1. The present batch of writ petitions filed under Article 226 of the  
Constitution of India centers around the same controversy, since all the



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petitioners herein belonging to the category of Other Backward Class- (Non-Creamy Layer)<sup>1</sup>, are aggrieved by the cancellation of their candidature for the Central Armed Police Forces<sup>2</sup> (Assistant Commandant<sup>3</sup>) Examination on the common ground that the OBC-NCL certificate submitted by them had not been issued and/or submitted by them within the prescribed cut-off period.

2. In view thereof, since the issue involved in the present batch of writ petitions is similar and rests upon a common legal substratum, the entire batch of writ petitions has been heard together and is being disposed of by way of this common judgment. Accordingly, WP(C) No. 8043 of 2025, titled “*Raghvendra Singh & Anr. v. Union Public Service Commission & Anr.*”, is treated as the lead matter for the purposes of adjudication of these petitions.

### **FACTUAL MATRIX**

3. The petitioners herein have applied for the CAPF (AC) Examination in the relevant years (i.e., either 2023 or 2024). The petitioners in these matters, have cleared the written examination and were declared qualified to proceed to the subsequent stages, being, the Physical Efficiency Test/Physical Standard Test<sup>4</sup>, Medical Standard Test<sup>5</sup> and Personality Test (Interview).

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<sup>1</sup> “OBC-NCL” hereinafter

<sup>2</sup> “CAPF” hereinafter

<sup>3</sup> “AC” hereinafter

<sup>4</sup> “PET/PST” hereinafter

<sup>5</sup> “MST” hereinafter



4. Since all petitioners before this Court are candidates who fall under the OBC-NCL Category, they were mandated to furnish OBC-NCL certificates issued within a prescribed timeframe for verification. This requirement of issuance of OBC-NCL certificate within a prescribed timeframe flowed from Rule 21.2 of the CAPF (AC) Examination Rules issued by the Ministry of Home Affairs<sup>6</sup> vide Gazette Notifications dated 26.04.2023<sup>7</sup> and 24.04.2024<sup>8</sup> and the said Rule was further reiterated in the examination prospectus issued by Union Public Service Commission<sup>9</sup>.

5. This Rule is notably in *pari materia* for the relevant years 2023 and 2024. It stipulates that every OBC-NCL candidate must submit the requisite certificate based on the income for the three preceding financial years<sup>10</sup>. Further, the certificate sought was to comply with two conditions, namely (i) it ought to have been specifically issued only after the completion of the latest/last FY and (ii) it must be issued no later than the closing date of the applications for the CAPF (AC) Examination. In other words, the certificate must be issued and fall within the prescribed timeframe i.e., beginning of a FY (every 1<sup>st</sup> April) and ending on the last date for submission of applications for the examination. In the relevant years, i.e., 2023 and 2024, the prescribed cut-off period was as follows:

(i) For 2023 - on or after 01.04.2023 but not later than the last

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<sup>6</sup> "MHA" hereinafter

<sup>7</sup> No. I-45023/05/2023-PP

<sup>8</sup> No. I-45023/13/2023-PP

<sup>9</sup> "UPSC" hereinafter

<sup>10</sup> "FY" hereinafter



date of application, i.e., 16.05.2023.

- (ii) For 2024 - on or after 01.04.2024 but not later than the last date of application, i.e., 14.05.2024.

6. Consequently, in the present batch of petitions, the petitioners were afforded a 43 or 45-day window for obtaining the said OBC-NCL certificate. The cut-off period began on 01.04.2023 for 2023 and 01.04.2024 for 2024. However, it is undisputed that the Examination Rules by MHA and the examination prospectus by UPSC which mandated this requirement were issued after the cut-off period had already begun, i.e., issued on 26<sup>th</sup> April 2023 and 24<sup>th</sup> April 2024.

7. For the sake of convenience, the abovementioned Rules of the 2023 and 2024 Examination Rules issued by MHA, are reproduced hereinbelow:

**2023 – Issued on 26.04.2023**

*“21.2 The OBC candidates applying for CAPF (ACs) Exam, 2023 must produce OBC (Non-Creamy Layer) certificate based on the income for the Financial Year (FY) 2022-23, 2021-22 and 2020-21 and issued on/after 01.04.2023 (after completion of FY 2022-23) but not later than the closing date of the application for Central Armed Police Forces (Assistant Commandants) Examination, 2023.”*

**2024 – Issued on 24.04.2024**

*“21.2 The OBC candidates applying for CAPF (ACs) Exam, 2024 must produce OBC (Non-Creamy Layer) certificate based on the income for the Financial Year (FY) 2023-24, 2022-23 and 2021-22 and issued on/after 01.04.2024 (after completion of FY 2023-24) but not later than the closing date of the application for Central Armed Police Forces (Assistant Commandants) Examination, 2024.”*

8. It is gathered from the record that all the petitioners before this Court had submitted their respective OBC-NCL certificates; however, the primary issue faced by these petitioners was that the certificates



were not issued within the stipulated window (i.e., from 01.04.2024 to 14.05.2024 and from 01.04.2023 to 16.05.2023 respectively) and hence, their certificates were not considered by the respondents.

9. Due to the inability of the petitioners to procure the certificates bearing a date within the cut-off stipulated window, the respondents either cancelled the candidature or appointment or excluded their names from the interview or the Final Merit List or converted the petitioner's candidature to General/Unreserved<sup>11</sup> category.

10. While the core controversy is common in all petitions, i.e., the forfeiture of candidature or appointment on account of their OBC-NCL certificates not being issued within the cut-off period, the petitions differ on certain facts, such as the year of the examination, the stage of the selection process cleared, the dates of the certificates. We, for the sake of inclusiveness of these petitions to this common judgment, hereby reproduce the distinguishing data as stated in the record in a tabulated form as herein below:

| Writ<br>Petition            | Examination<br>Year and Cut-<br>Off Period | Certificate<br>Dates                     | Stage of Selection<br>Process and current<br>status                                                                                                                                         |
|-----------------------------|--------------------------------------------|------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| W.P.(C)<br>No.<br>3076/2025 | 2023; 01.04.2023<br>till 16.05.2023        | 23.10.2023,<br>17.06.2023,<br>02.09.2020 | On culmination of the<br>selections process,<br>including the<br>personality list, named<br>in the BSF merit list as<br>a provisional candidate<br>subject to verification<br>of documents. |



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|-----------------------------|-------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                             |                                     |                                                                                                                                     | Interim order dated 11.03.2025 provided that cancellation of the candidature of Petitioner shall be subject to the outcome of the WP.                                                                                                                                                            |
| W.P.(C)<br>No.<br>3148/2025 | 2023; 01.04.2023<br>till 16.05.2023 | 29.12.2023,<br>21.01.2022,<br>23.11.2021,                                                                                           | On culmination of the selections process, including the personality list, provisionally appointed as AC in ITBP. Interim order dated 12.03.2025 provided that the cancellation of the candidature of the Petitioner shall be subject to the outcome of the WP.                                   |
| W.P.(C)<br>No.<br>6518/2025 | 2023; 01.04.2023<br>till 16.05.2023 | <b>P1:</b><br>19.06.2023,<br>22.03.2023<br>13.12.2024<br>(Tehsildar<br>verification)<br><br><b>P2:</b><br>18.11.2023,<br>17.02.2023 | On culmination of the selections process, including the personality list, Petitioner No.1 was allotted SSB and Petitioner No. 2 was allotted CISF. Interim order dated 15.05.2025 provided that the cancellation of the candidature of the Petitioner shall be subject to the outcome of the WP. |
| W.P.(C)<br>No.<br>7043/2025 | 2024; 01.04.2024<br>till 14.05.2024 | <b>P1:</b> 10.10.2024,<br>15.02.2024<br><br><b>P2:</b> 19.11.2024,<br>18.05.2023                                                    | Candidature was cancelled before petitioners could sit for personality Test/ interview round. Interim order dated                                                                                                                                                                                |

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|                             |                                     |                                                                                                  |                                                                                                                                                                                                                                                                                                                                      |
|-----------------------------|-------------------------------------|--------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                             |                                     | <b>P3:</b> 16.11.2024,<br>26.06.2024<br><br><b>P4:</b> 14.06.2024,<br>04.07.2023                 | 22.05.2025<br>provisionally allowed to participate in the selection process stating that in case the petitioners are found successful and meriting selection, they shall be duly selected and appointed.                                                                                                                             |
| W.P.(C)<br>No.<br>7137/2024 | 2023; 01.04.2023<br>till 16.05.2023 | 27.05.2023,<br>15.03.2023                                                                        | Candidature cancelled before the petitioner could sit for interview round.<br>Allegedly, Petitioner was recommended after he was allowed to sit for interview <i>vide</i> interim order dated 30.05.2024, but it is stated that his name was not forwarded for service allocation because the matter is <i>sub-judice</i> .          |
| W.P.(C)<br>No.<br>7749/2025 | 2024; 01.04.2024<br>till 14.05.2024 | <b>P1:</b> 01.08.2024,<br>07.06.2023,<br>23.09.2019<br><br><b>P2:</b> 21.05.2024,<br>15.05.2023, | Candidatures were cancelled before petitioners could sit for personality Test/interview round it is stated that both petitioners were recommended after they were allowed to continue on a provisional basis to participate in the process and if found successful, they shall be duly selected and appointed but such selection and |

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|-----------------------------|-------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                             |                                     |                                                                                                                                             | appointment will be subject to outcome of WP <i>vide</i> an interim order dated 22.05.2025.                                                                                                                                                                                                                                                                                                                                                                                           |
| W.P.(C)<br>No.<br>8304/2025 | 2024; 01.04.2024<br>till 14.05.2024 | <b>P1:</b> 19.02.2024,<br>08.10.2024<br><br><b>P2:</b> 19.02.2024,<br>25.05.2024                                                            | Candidature was cancelled before petitioners could sit for the interview. <i>Vide</i> interim order dated 30.05.2025, the petitioners were allowed to appear in the interview. It is stated that Petitioner No.1 has been recommended after the interview round.                                                                                                                                                                                                                      |
| W.P.(C)<br>No.<br>9701/2025 | 2024; 01.04.2024<br>till 14.05.2024 | <b>P1:</b><br>16/18.03.2024,<br>14/15.10.2024<br><br><b>P2:</b><br>12/15.04.2023,<br>10.10.2024<br><br><b>P3:</b> 19.02.2024,<br>16.10.2024 | Candidature was cancelled before petitioners could sit for the Personality Test/Interview. <i>Vide</i> interim order dated 08.08.2025, the petitioners were permitted to participate in the selection process and, if selected, they shall be appointed, subject to the outcome of the writ petition. It is stated that the results have not been disclosed by UPSC despite there being a categorical direction to that effect in <b>Para 15</b> of the order dt. <b>11.07.2025</b> . |
| W.P.(C)<br>No.              | 2024; 01.04.2024<br>till 14.05.2024 | 30.04.2024,<br>16.01.2024,                                                                                                                  | Candidature was cancelled before                                                                                                                                                                                                                                                                                                                                                                                                                                                      |

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|            |  |            |                                                                                                                                                                                                                                                                                                                                                                |
|------------|--|------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 10006/2025 |  | 22.03.2022 | petitioners could sit for the Personality Test/Interview. <i>Vide</i> interim order dated 16.07.2025, the petitioner was provisionally allowed to continue to participate in the remaining stages of the selection process. It was directed that in case the petitioner was found successful and meriting selection, she shall be duly selected and appointed. |
|------------|--|------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

**11.** Additionally, W.P.(C) Nos. 8304/2025, 6158/2025, 7043/2025, 7137/2024, 7749/2025, 9701/2025 and 10006/2025, seek to challenge Rule 21.2 of the Rules for the CAPF Examination of the relevant year issued *vide* Gazette Notification by the MHA wherein such cut-off period was stipulated.

**12.** Furthermore, WP(C) Nos. 3076/2025 and 3148/2025 vary in their general factual backdrop as well as the reliefs sought. The distinct factual backdrop in the petitions is set out herein below:

### **W.P.(C) Nos. 3076/2025**

**12.1** This writ petition seeks to set aside the impugned communication dated 20.02.2025, whereby the petitioner's candidature for the 2023



CAPF (AC) Examination was forfeited and consequently, seeks reinstatement. There is no specific challenge to the cut-off period stipulated in the Rules issued by MHA or the examination prospectus issued by UPSC.

**12.2** In furtherance of the impugned Rule 21.2 mentioned above, the petitioner was mandated to submit an OBC-NCL certificate issued within the stipulated timeframe. However, the petitioner had submitted a certificate dated 24.08.2020 for proof of OBC status as there was a discrepancy in his name recorded in the Matriculation Certificate and the Aadhar Card.

**12.3** After rectifying the said discrepancy, he applied for a fresh caste certificate as required. It is the claim of the petitioner that this certificate was issued on 16.10.2023, i.e., post the stipulated cut-off window, and furnished to the respondents during the personal interview on 07.06.2024. Subsequently, the petitioner was allotted to the Border Security Force.

**12.4** Thereafter, *vide* communication dated 27.09.2024, the respondent reiterated their demand for the submission of the OBC-NCL certificate issued within the prescribed timeframe. Further, it is stated by the petitioner that his appointment letter was withheld, and his name was placed under provisional list.

**12.5** Aggrieved by the aforesaid, the petitioner approached this Court *vide* W.P.(C) No. 1758/2025, however, while the case was pending, the respondent issued the impugned letter dated 20.01.2025, whereby the



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provisional appointment of the petitioner was forfeited.

**W.P.(C) Nos. 3148/2025**

**12.6** This writ petition is confined to seeking setting aside of the impugned communication dated 20.02.2025, whereby the petitioner's candidature for the 2023 CAPF (AC) Examination was forfeited, along with a prayer for reinstatement. There is no challenge to the cut-off period stipulated in the Rules issued by MHA or the examination prospectus issued by UPSC.

**12.7** It is asserted that the petitioner had qualified all stages of the selection process, i.e., written examination, PST/PET and MST. However, while submitting the application, the petitioner uploaded a certificate dated 21.08.2008, i.e., not within the cut-off period, due to which the petitioner was kept under provisional status.

**12.8** The respondent, *vide* communication dated 12.08.2024, stated that the provisional status of the petitioner would be conserved for three months i.e., till 04.10.2024, and the petitioner was directed to furnish the stipulated OBC-NCL certificate and other required documents by 28.08.2024, failure of which would lead to the forfeiture of his candidacy. In pursuance thereof, the petitioner furnished certificates dated 23.11.2021, 21.01.2022 and 29.12.2023.

**12.9** Thereafter, the respondents, on 26.09.2024, communicated that the petitioner was selected for the post of AC (General Duty) and was



allocated to Indo-Tibetan Border Police<sup>12</sup> for appointment. Further, *vide* letter dated 08.10.2024, the respondent further communicated to the petitioner that his candidature was kept provisional, subject to verification of his original certificate dated 21.08.2008, since it was not issued within stipulated timeframe.

**12.10** In furtherance of the abovementioned communication, it is claimed by the petitioner that he submitted the requisite certificates; *vide* letter dated 16.10.2024, and that Respondent No. 2 (ITBP) acknowledged the receipt of certificates of the petitioner dated 21.08.2008, 21.01.2022, 29.12.2023 and 23.11.2021. However, on 20.02.2025, the respondent (ITBP) issued the impugned order whereby the petitioner's candidature was cancelled.

### **W.P.(C) No. 10006/2025**

**12.11** This writ petition seeks to quash the impugned communication/letter dated 01.05.2025, whereby the candidature of the petitioner for the CAPF (AC) Examination of 2024, came to be cancelled and prays for quashing/modifying the Final/Merit List to the extent that it does not mention the petitioner therein. Additionally, a challenge has been posed to the cut-off period stipulated under Rule 21.2 of the CAPF Rules, 2024 on grounds of unconstitutionality.

**12.12** It is the case of petitioner that she possessed an OBC-NCL certificate issued within the stipulated cut-off period. However, while



submitting her Detailed Application Form she, purportedly, uploaded a certificate issued prior to the cut-off date.

**12.13** Subsequently, *vide* impugned order dated 01.05.2025, the candidature of the petitioner was cancelled under the OBC category with the reasoning that the certificate uploaded was actually dated 16.01.2024, i.e., not within the stipulated timeframe. The petitioner's candidature was converted to that of UR category. Hence, it is the case of petitioner that, to retain her candidature, the petitioner was compelled to continue the process as a candidate under the UR category.

**12.14** During the Personality Test (interview), the petitioner furnished her OBC-NCL certificate dated 30.04.2024 (within cut-off period). However, allegedly, no favourable response was received from the respondents.

**12.15** Thereafter, the petitioner continued the selection process as a UR category candidate and secured 310 marks in the examination, but the qualifying marks for a UR candidate were 311, and for OBC candidate, it was 308 marks. Hence, it the case of the petitioner that she was rendered disqualified in the selection process despite having secured the qualifying marks prescribed for her original OBC-NCL Category, since she was compelled to participate in the selection process as a UR candidate.

**13.** Accordingly, being aggrieved by the aforesaid, the petitioners have approached this Court by way of the present batch of writ



petitions, assailing the forfeiture of their respective candidatures.

## **SUBMISSIONS**

**14.** The learned Counsel for the petitioners vehemently opposed the stipulated cut-off period deeming it as arbitrary, prejudicial and lacking rational nexus with the object sought. It was emphasized that the candidature of the petitioners was cancelled without affording them any opportunity for explanation which directly violates principles of natural justice. It was submitted that the sheer disregard of the respondents towards the fact that all the petitioners were in possession of valid OBC-NCL certificates, even though they were not issued within the stipulated timeframe, did not change the fact that the petitioners did, in fact, belong to OBC-NCL category.

**15.** It was submitted that the cut-off period was insufficient and arbitrary, and it posed adverse effects on the future prospects of the candidates. Further, it is violative of the principles of equality and equity enshrined in the Constitution of India including equality in public employment. It was submitted that the rejection of valid OBC-NCL certificates for the relevant years only on technical lapses, i.e., that they were not issued within the stipulated window, constitutes unjust and exploitative use of power/authority. It was further submitted that such mechanical exercise of power was unwarranted and violative principles of fairness and reasonableness. Reliance was placed on *Ms. Pushpa v. Govt. of NCT of Delhi & Ors.* <sup>13</sup>



16. Further, it was submitted that the inability to furnish the requisite certificate could not be attributed to the petitioners since the respondents did not account for the fact that such certificates are not issued within such short span of time, i.e., only approximately 20 days were granted to the petitioners, which was virtually impossible. According to the learned Counsel, this 20-day window given by the respondents has no nexus with the object sought to be achieved by providing reservation to deserving candidates and no purpose is being served by making such a stringent stipulation, which neither has any rationale nor appears to be fair or reasonable.

17. It was submitted by the learned Counsel that even if the certificate was prior to or post the cut-off date, it was still valid for the entire year.

18. It was contended that the petitioners were aggrieved by the lack of procedural fairness. Reliance, in that respect, was placed on *Dharampal Satyapal Ltd. v. Deputy Commissioner of Central Excise, Gauhati & Ors.*<sup>14</sup>. It was further submitted that the respondent (UPSC) being a constitutional body is reasonably expected to act in a non-arbitrary manner and within the four corners of the Constitution of India. Further, reliance was placed on *Ravi Kumar v. All India Institute of Medical Sciences*<sup>15</sup>, wherein the facts were analogous, and relief was granted in favour of similarly situated candidates, to contend

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<sup>14</sup> (2015) 8 SCC 519

<sup>15</sup> W.P.(C) No. 15514/2023



that the petitioners herein are entitled to the reliefs prayed for.

19. The learned Counsel drew the attention of this Court to an Office Memorandum<sup>16</sup> dated 08.10.2015 issued by the Department of Personnel and Training<sup>17</sup>, wherein it was stipulated that if a candidate belonging to a reserved category is unable to produce a certificate from a competent authority, they may be appointed on a provisional basis based on some *prima facie* evidence of such status which may be rectified upon furnishing the requisite certification thereafter. It was emphasized in the said OM that if there were a “genuine difficulty” in procuring such certificate, then the appointing authority itself could verify the same through the concerned District Magistrate.

20. With respect to W.P.(C) No. 10006/2025, it was argued that the grievance was very limited, that a certificate of the previous year was uploaded by mistake and that the petitioner did possess an OBC-NCL certificate issued within the cut-off period. It was submitted that there was no window provided for uploading correct certificates. Further, that the selection process continues for a year, however, the time granted to upload certificates was grossly insufficient. In support of the case of the petitioner in this matter, reliance was placed on *Anil Kumar & Anr. v. Union of India*<sup>18</sup>, *Ram Kumar Gijroya v. Delhi Subordinate Services Selection Board & Anr.*<sup>19</sup>, *Ajay Kumar Mishra Vs. Union of India & Ors.*<sup>20</sup>, *Latika Vs. Staff Selection Commission and Ors.*<sup>21</sup>, *Ravi Kumar*

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<sup>16</sup> “OM” hereinafter

<sup>17</sup> “DoPT” hereinafter

<sup>18</sup> 2013 SCC OnLine Del 1401

<sup>19</sup> (2016) 4 SCC 754

<sup>20</sup> 2016 SCC OnLine Del 6553

<sup>21</sup> (2017) SCC OnLine Del 10770



(supra) and *All India Institute of Medical Sciences v. Ravi Kumar*<sup>22</sup>.

21. For WP(C) No. 3076/2025, it was submitted that despite the pendency of W.P.(C) No. 1785/2025, the respondent proceeded to cancel the appointment of the petitioner, which rendered the petition infructuous and was in total disregard of the interim orders of this Hon'ble Court.

22. *Per contra*, the learned Counsel on behalf of the respondents emphasized that prescribing a cut-off date is an essential function and power to maintain administrative certainty, especially in large-scale recruitment. It was submitted that a uniform benchmark had been adopted to ensure parity among all candidates who had furnished certificates beyond the stipulated window.

23. The learned Counsel for the respondents resisted the claims of the petitioner and submitted that the petitioners who have not challenged the Rule issued by MHA stipulating the cut-off period, cannot challenge it now. It was submitted that the examination notification/prospectus was issued as per the Rules of Examination issued by MHA via Gazette notification and because the petitioners have participated in the said examination, they are estopped from challenging the same. The learned Counsel stressed on the point that since the game has started, the rules of the game cannot be changed by UPSC. Reliance, in this regard, was placed on *Tej Prakash Pathak &*



***Ors. v. Rajasthan High Court & Ors.*<sup>23</sup> and *Hemani Malhotra v. High Court of Delhi*<sup>24</sup>.** It was reiterated that even the said prospectus categorically stated that the candidature of all candidates was provisional in nature at all times, subject to satisfaction of the eligibility criteria. It was further submitted that fixation of a cut-off date for a post is a discretionary power of competent authority, as also held in ***Amit Lal Bhat v. State of Rajasthan*<sup>25</sup>.**

**24.** It was submitted that all candidates were required to submit a Detailed Application Form after clearing the written examination and this Form contained an undertaking that a reserved candidate's status will be subject to the Rules of CAPF. It was also submitted that verification would be done *only* of the documents submitted along with the said Form. The learned Counsel argued that, in light of the OM dated 08.10.2015 issued by DoPT, the candidates falling under the reserved category who are unable to produce their requisite caste/community certificate, may be appointed but only provisionally, based on any *prima facie* evidence subject to furnishing the requisite certificate within reasonable time.

**25.** With regard to the contention that the notification was published only after the cut-off period itself had started, it was submitted that UPSC had uploaded the Annual Calendar for the relevant year including the CAPF (AC) Examination almost a year in advance. It was

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<sup>23</sup> (2025) 2 SCC 1

<sup>24</sup> 2008 7 SCC 11

<sup>25</sup> (1997) 6 SCC 614



clarified that the said calendar stipulated the date on which the notification for the examination would be issued and the last date for submission of the application and the date of the examination itself and hence, the candidates were expected to be vigilant and prepared with the required documents before the closing date. Therefore, such failure cannot be condoned. Reliance was placed on *Pankaj Choudhary v. UPSC*<sup>26</sup>. It was further submitted that the respondent had been issuing such cut-off timeframes periodically, as is also depicted from the Academic Calendar published by them for 2025, whereby at Serial No. 16, the date of Notification for the CAPF (AC) Examination is stated to be 05.03.2025, whereas the last date of application was 25.03.2025. Similarly, for 2026, the Academic Calendar states the date of Notification as 18.02.2026 and last date of application as 10.03.2026.

**26.** It was submitted that the plea of the petitioners based on the doctrine of impossibility was highly misplaced since there were a total of 1224 medically fit candidates, out of which 408 belonged to OBC Category, amongst which 380 were very much able to produce their OBC-NCL certificates as per the stipulation. Further, it was submitted that in the State of Maharashtra, a total of 52 candidates were able to produce the certificates within the cut-off period. Hence, according to the learned Counsel, any relief granted to the petitioners would amount to differential and unequal treatment towards candidates who submitted the certificates issued within the said timeframe and would amount to discrimination and hit by the provisions of Article 14 of our Constitution.



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27. It was further submitted that the contention that the cut-off dates are untenable in law or lacking rationale is misplaced because the same is with respect to the relevant FY, since the OBC-NCL certification requires Income Certificates for the three previous years; coupled with the logical corollary that last date of submission would be the closing date of the application for the examination. It was argued by the learned Counsel that a serious candidate would be vigilant and that it was the inability of the petitioners and, not that the cut-off dates were *mala fide*. In this regard, reliance was placed on *UPSC v. Gaurav Singh*<sup>27</sup>, wherein it was held that the aggrieved persons were well-aware that they were required to furnish income certificates issued prior to the year of application. Further reliance was placed on *Union of India v. Anu Kumari*<sup>28</sup>, *Shikhar & Ors. v. National Board of Examination & Ors.*<sup>29</sup>, *Divya v. UOI & Ors.*<sup>30</sup>, *Ashok Kumar Sharma & Ors. v. Chander Shekhar & Ors.*<sup>31</sup>, *Yogesh Kumar & Ors. v. Govt. of NCT, Delhi & Ors.*<sup>32</sup>, *Pankaj Nailwal & Anr. v. Secretary General, Supreme Court of India*<sup>33</sup> and *Pankaj Choudhary v. UPSC*<sup>34</sup>. Further, with regard to sanctity of cut-off period and the principle of estoppel, reliance was placed on *Hirandra Kumar v. High Court of Judicature at Allahabad and Anr.*<sup>35</sup>, *A.P. Public Service Commission Hyderabad and Anr. v. B. Sarat Chandra and Ors.*<sup>36</sup>, *Staff Selection Commission*

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<sup>27</sup> (2024) 2 SCC 605

<sup>28</sup> (2024) 1 SCC 448

<sup>29</sup> 2022 SCC OnLine SC 425

<sup>30</sup> (2024) 1 SCC 448

<sup>31</sup> (1997) 4 SCC 18

<sup>32</sup> (2003) 3 SCC 548

<sup>33</sup> 2017 SCC OnLine Del 11167 : (2017) 245 DLT 658

<sup>34</sup> W.P.(C) No. 13747/2022

<sup>35</sup> (2020) 17 SCC 401

<sup>36</sup> (1990) 2 SCC 669



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*& Ors. v. Ruby & Ors.*<sup>37</sup>, *Union of India & Ors. v. C. Girija & Ors.*<sup>38</sup>, *K.A. Nagamani v. Indian Airlines & Ors.*<sup>39</sup>, *Vaibhav v. Jawaharlal Nehru University*<sup>40</sup> and *Madan Lal v. State of Jammu and Kashmir*<sup>41</sup>. It was submitted that the cut-off date, even if not stipulated, may be presumed to be the last date of submitting the relevant application form. To substantiate the same, the decisions in *Ashok Kumar Sonkar v. Union of India & Ors.*<sup>42</sup>, *Bhupinderpal Singh & Ors. v. State of Punjab & Ors.*<sup>43</sup> and *Rekha Chaturvedi (Smt.) v. University of Rajasthan*<sup>44</sup> were cited.

28. Pertaining to WP(C) No. 6518/2025, it was submitted that the certificates dated 22.03.2023 and 04.02.2023 of Petitioner No. 1 and 2 therein respectively, did not include FY 2022-23. The Rule stipulated for the 2023 Examination, the OBC-NCL certification shall be based on the income of FY 2020-21, 2021-22 and 2022-23. It was further submitted that the other certificates in their possession, dated 19.06.2023 and 18.11.2023 respectively, were issued post the cut-off period.

29. With respect to the petitioner in WP(C) No. 7137/2024, reliance was placed on his Detailed Application Form pertaining to the disclosure of the annual income of his parents (more than eight lakhs per year) along with the fact that his family owned 2.14 hectares of

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<sup>37</sup> 2025 SCC OnLine Del 1646

<sup>38</sup> (2019) 15 SCC 633

<sup>39</sup> (2009) 5 SCC 515

<sup>40</sup> 2024 SCC OnLine Del 2944 : AIR 2024 (NOC 606) 235

<sup>41</sup> 1995 (3) SCC 486

<sup>42</sup> (2007) 4 SCC 54

<sup>43</sup> (2000) 5 SCC 262

<sup>44</sup> (1993) Supp 3 SCC 168



agricultural land, house and a residential plot. It was submitted that as per an OM of DoPT dated 13.09.2017, the maximum limit of annual income to determine the creamy layer in OBC category was stipulated as Rs. 8 lakhs per annum.

**30.** In W.P. 7749/2025, it was submitted that since the petitioners therein had failed to furnish the requisite OBC-NCL certificates, they were subjected to the benchmarks laid down for the UR category and it was also found that the petitioners were not eligible as UR candidates as per the age criteria, i.e., they should have been born prior to 02.08.1999 as per Rule 5 of the Rules for CAPF Examination, 2024 issued by MHA.

**31.** In rebuttal, it was submitted by the learned Counsel for the petitioners that the reliance placed on *Gaurav Singh* (supra) was misplaced since that decision pertains to the Economically Weaker Section<sup>45</sup> category. The decision in *Ashok Sharma* (supra) is also distinguishable since it is with respect to acquiring the status later, on a subsequent date. However, in the present case, the OBC-NCL status is a pre-existing fact which is merely affirmed by a competent authority.

**32.** Pertaining to the aspect of mistake committed while submitting application by the petitioner in W.P.(C) No. 10006/2025, reliance was placed on paragraph 33 of *Hari Singh v. Staff Selection Commission & Anr.*<sup>46</sup> to buttress the contention that the petitioner should have been

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<sup>45</sup> "EWS" category  
<sup>46</sup> 2010 (116) DRJ 668 (DB)



granted appointment on provisional basis.

**33.** It was vehemently contended that publishing the Academic Calendar one year in advance does not serve any practical purpose, since the said calendar does not stipulate any cut-off period that could remotely indicate to candidates that the reservations certificates are mandated to be issued within the said timeframe.

**34.** The attention of this Court was brought to a previous order dated 17.05.2024 wherein the respondents were directed to place on record the total number of candidates hailing from Maharashtra and Bihar who submitted their certificates as per the cut-off. The respondent, UPSC, on the subsequent date of hearing, submitted a document dated 22.05.2024 stating that 380 candidates had submitted the appropriate certificates. However, it is pointed out by the learned Counsel for the petitioners, that some of the candidates therein possessed certificates dated prior to the window since allegedly UPSC had accepted pre-dated certificates.

**35.** With respect to W.P.(C) No. 7137 of 2025, reliance was placed on a DoPT Circular dated 14.10.2004 which provided that the persons who were directly recruited under Class III or Class IV and were not promoted to Class I before attaining the age of 40, their wards shall not be treated as falling in the creamy layer.



## **REASONING AND ANALYSIS**

**36.** We have heard the learned Counsels for both the parties at length, perused the material on record and the relevant judgments.

**37.** This Court granted interim relief across all petitions. In W.P.(C) Nos. 3076/2025, 7043/2025, 7137/2024, 7749/2025, 8304/2025, 9701/2025 and 10006/2025 relief was granted by allowing the candidates to provisionally participate in the remaining stages of the selection process and in W.P.(C) Nos. 3148/2025 and 6518/2025, (wherein petitioners were allotted to a Force) it was clarified by this Court that the candidature of the petitioners would be subject to the outcome of the present pending petitions. Although some petitions do not expressly challenge Rule 21.2 of the Examination Rules for 2023 and 2024 issued by the MHA, however, this being a pure question of law, does not preclude their adjudication along with the present batch of petitions, as the principal issue involved is the same.

**38.** After having given due consideration to the present *lis*, it can be safely deduced that the primary grievance of all the petitioners is with respect to the strict adherence to the cut-off period stipulated for the submission of OBC-NCL certificates issued by way of the Examination Rules by the MHA in 2023 and 2024 *vide* Gazette Notifications dated 26.04.2023<sup>47</sup> and 24.04.2024<sup>48</sup> respectively. It is undisputed that all the petitioners belong to OBC category. It is also undisputed that the sole

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<sup>47</sup> No. I-45023/05/2023-PP

<sup>48</sup> No. I-45023/13/2023-PP



ground of cancellation of the candidature of all the petitioners was the issuance date of their respective OBC-NCL certificates beyond the stipulated cut-off window.

**39.** Therefore, the principal question that arises before this Court is whether the candidature of the petitioners is **liable to be cancelled solely on the grounds that the OBC-NCL certificates of the petitioners were either issued prior to or beyond the stipulated cut-off period.**

**40.** Before delving into the complexities of the present batch of petitions, we deem it essential to first analyse Rule 21.2 issued by the MHA for 2023 and 2024, which prescribes the rules for the CAPF (AC) Examination stipulating the cut-off period, and the corresponding direction issued by UPSC in the prospectus reiterating the said timeframe along with the applicable legal substratum.

**41.** The Rules issued by the MHA for 2023 and 2024, along with the corresponding exam notifications issued by UPSC are reproduced hereinbelow for perusal:

**2023 – Issued on 26.04.2023 by MHA**

*“21.2 The OBC candidates applying for CAPF (ACs) Exam, 2023 must produce OBC (Non-Creamy Layer) certificate based on the income for the Financial Year (FY) 2022-23, 2021-22 and 2020-21 and issued on/after 01.04.2023 (after completion of FY 2022-23) but not later than the closing date of the application for Central Armed Police Forces (Assistant Commandants) Examination, 2023.”*



**Examination Notification issued on 26.04.2023 by UPSC**

*“The OBC candidates applying for CAPF (ACs) Exam, 2023 must produce OBC (Non-Creamy Layer) certificate based on the income for the Financial Year (FY) 2022-23, 2021-22 and 2020-21 and issued on/after 01.04.2023 (after completion of FY 2022-23) but not later than the closing date of the application for Central Armed Police Forces (Assistant Commandants) Examination, 2023.”*

**2024 – Issued on 24.04.2024 by MHA**

*“21.2 The OBC candidates applying for CAPF (ACs) Exam, 2024 must produce OBC (Non-Creamy Layer) certificate based on the income for the Financial Year (FY) 2023-24, 2022-23 and 2021-22 and issued on/after 01.04.2024 (after completion of FY 2023-24) but not later than the closing date of the application for Central Armed Police Forces (Assistant Commandants) Examination, 2024.”*

**Examination Notification issued on 24.04.2024 by UPSC**

*“The OBC candidates applying for CAPF (ACs) Exam, 2024 must produce OBC (Non-Creamy Layer) certificate based on the income for the Financial Year (FY) 2023-24, 2022-23 and 2021-22 and issued on/after 01.04.2024 (after completion of FY 2023-24) but not later than the closing date of the application for Central Armed Police Forces (Assistant Commandants) Examination, 2024, i.e. 14.05.2024.”*

**42.** The abovementioned Rule states that OBC candidates applying for the CAPF (AC) Examination are required to submit their OBC-NCL certificates which would be based on their income for the last three FYs. This certificate is valid for one FY. It is mandated that this certificate must be issued only after 1<sup>st</sup> April 2023/2024, because it marks the end of the previous FY. It also mandates that the certificate must have been issued before the application deadline, which is 16.05.2023 and 14.05.2024 respectively. In essence, candidates were required to produce a freshly issued OBC-NCL certificate within this window. Thus, the stipulated duration for a valid certificate would be as follows:



- (i) For 2023 – 01.04.2023 to 16.05.2023, and
- (ii) For 2024 – 01.04.2024 till 14.05.2024.

We deem it essential to note that this stipulated duration within which the certificates had to be issued were not communicated to the petitioners before the window began or at the beginning itself. Instead, it was communicated/issued on 26.04.2023 for the 2023 examination and on 24.04.2024 for the 2024 examination *vide* Gazette Notifications dated 26.04.2023 and 24.04.2024 respectively and reiterated in the examination prospectus of the relevant year by UPSC. As a result, candidates were effectively left with around 20 days to obtain and submit their OBC-NCL certificate.

**43.** The timeframe granted to candidates to furnish their OBC-NCL certificates to avail the benefits of reservations envisaged by the Constitution of India should not be rigid in a way as to defeat the very purpose of such reservations. With respect to the timeframe for submission of OBC-NCL certificate, we deem it fit to reproduce an excerpt of the decision in ***Ravi Kumar*** (supra), which has been affirmed by a Division Bench of this Court. It is as follows:

*“66. Axiomatically, the OBC-NCL certificate is issued by the competent authority on the basis of the income of the applicant in the preceding three financial years and is valid for a particular financial year. Therefore, undisputedly, the OBC-NCL certificate is substantially correlated with a financial year rather than a random timeframe. As a natural corollary, an authority asking for the OBC-NCL certificate should reasonably keep the cut-off date of issuance in line with a particular financial year. A deviation from the said position not only creates confusion and uncertainty but, at*



*times, also deprives deserving candidates of the benefit of reservations. In the present case as well, it is the admitted position that the respondent was not obliged to follow a particular timeframe and thus, it went on to adopt its own timeframe, without any intelligible basis.”*

(emphasis supplied)

**44.** The examination prospectus issued by UPSC for both the years i.e., 2023 and 2024, categorically states that the candidature of the candidates would be provisional at all stages. The relevant terms are reproduced for the sake of convenience:

**“1. CANDIDATES TO ENSURE THEIR ELIGIBILITY FOR THE EXAMINATION:**

Candidates applying for the examination should ensure that they fulfill all eligibility conditions for admission to the Examination. Their admission at all the stages of the examination will be purely **provisional** subject to satisfying the prescribed eligibility conditions.

**Mere issue of e-Admission Certificate to the candidate will not imply that his/her candidature has been finally cleared by the Commission.**

Verification of eligibility conditions with reference to original documents is taken up only after the candidate has qualified for Interview/Personality Test.”

**45.** Further, the OM dated 08.10.2015 issued by DoPT stipulated that if a candidate falling under a reserved category is unable to submit the requisite certificate, then the appointment may be made provisionally by the appointing authority, provided there is some *prima facie* proof indicating their eligibility. The OM also provides that in cases where an applicant faces any genuine difficulty in procuring said certificate, the appointing authority may itself seek verification from the District Magistrate concerned. The relevant extract of the aforesaid OM is reproduced herein below:



*“The undersigned is directed to say that as per extant instructions where a candidate belonging to a Scheduled Caste (SC), Scheduled Tribe (ST) and Other Backward Classes (OBC) is unable to produce a certificate from any of the prescribed authorities, **he/she may be appointed provisionally on the basis of whatever prima-facie proof he/she is able to produce in support of his/her claim subject to his/her furnishing the prescribed certificate within a reasonable time.** Instructions have been issued vide DoPT's letter No.36022/1/2007-Estt.(Res.) dated 20.3.2007 to the Chief Secretaries of all States/UTs for streamlining the system of verification of caste certificates so that unscrupulous non-SC/ST/OBC persons are prevented from securing jobs meant for SCs/STs/OBCs by producing false certificates. Timely and effective verification of caste status is necessary so that the benefit of reservation and other scheme of concessions etc. go only to the rightful claimants.*

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*4. It is, therefore, reiterated that in the situation where a candidate belonging to a Scheduled Caste, Scheduled Tribe and Other Backward Classes is unable to produce a certificate from any of the prescribed authorities, he/she may be appointed provisionally on the basis of whatever prima-facie proof he/she is able to produce in support of his/her claim subject to his/her furnishing the prescribed certificate within a reasonable time **and if there is genuine difficulty in his/her obtaining a certificate, the appointing authority should itself verify his/her claim through the District Magistrate concerned.**”*

(emphasis supplied)

**46.** Further, we deem it fit to set forth the doctrine of legitimate expectation reinforced in plethora of decisions of the Apex Court. In the present batch of matters, the respondents are constitutional and administrative bodies, hence, by virtue of principles of fairness and non-arbitrariness under Article 14 of the Constitution of India, it can be legitimately expected that public authorities must act in accordance with these principles and for public good. This doctrine has developed to apply to both procedural and substantive rights and has been well-



articulated in the case of *Sivanandan C.T. v. High Court of Kerala*<sup>49</sup> in the following words, which makes for an interesting read:

*“38. The doctrine of legitimate expectation does not impede or hinder the power of the public authorities to lay down a policy or withdraw it. The public authority has the discretion to exercise the full range of choices available within its executive power. The public authority often has to take into consideration diverse factors, concerns, and interests before arriving at a particular policy decision. The courts are generally cautious in interfering with a bona fide decision of public authorities which denies a legitimate expectation provided such a decision is taken in the larger public interest. Thus, public interest serves as a limitation on the application of the doctrine of legitimate expectation. Courts have to determine whether the public interest is compelling and sufficient to outweigh the legitimate expectation of the claimant. While performing a balancing exercise, courts have to often grapple with the issues of burden and standard of proof required to dislodge the claim of legitimate expectation.*

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***40. The principle of fairness in action requires that public authorities be held accountable for their representations, since the State has a profound impact on the lives of citizens.** Good administration requires public authorities to act in a predicable manner and honour the promises made or practices established unless there is a good reason not to do so. In *Nadarajah [R. (Nadarajah) v. Secy. of State for the Home Deptt., 2005 EWCA Civ 1363]*, Laws, L.J. held that the public authority should objectively justify that there is an overriding public interest in denying a legitimate expectation. We are of the opinion that for a public authority to frustrate a claim of legitimate expectation, it must objectively demonstrate by placing relevant material before the court that its decision was in the public interest. This standard is consistent with the principles of good administration which require that **State actions must be held to scrupulous standards to prevent misuse of public power and ensure fairness to citizens.**”*

(emphasis supplied)

**47.** It is also well-established that an employer has the authority to stipulate eligibility criteria, however, no power can be unfettered. A



three-judge Bench of the Apex Court in ***Punjab National Bank v. Anit Kumar Das***<sup>50</sup> further crystallised that there exist certain limitations on the power of an appointing authority to stipulate eligibility criteria. We reproduce the relevant extract as follows:

*“17.3. Thus, as held by this Court in the aforesaid decisions, **it is for the employer to determine and decide the relevancy and suitability of the qualifications for any post and it is not for the courts to consider and assess.** A greater latitude is permitted by the courts for the employer to prescribe qualifications for any post. There is a rationale behind it. Qualifications are prescribed keeping in view the need and interest of an institution or an industry or an establishment as the case may be. The courts are not fit instruments to assess expediency or advisability or utility of such prescription of qualifications. **However, at the same time, the employer cannot act arbitrarily or fancifully in prescribing qualifications for posts.** In the present case, prescribing the eligibility criteria/educational qualification that a graduate candidate shall not be eligible and the candidate must have passed 12th standard is justified and as observed hereinabove, it is a conscious decision taken by the Bank which is in force since 2008. Therefore, the High Court has clearly erred in directing the appellant Bank to allow the respondent-original writ petitioner to discharge his duties as a Peon, though he as such was not eligible as per the eligibility criteria/educational qualification mentioned in the advertisement.”*

(emphasis supplied)

**48.** No doubt, it is for the Respondents to determine and decide the relevancy and suitability of the qualifications for any post under their ambit and it is not for the courts to interfere and assess the same. However, as held time and again by the Hon’ble Supreme Court, the employer, in determining such suitability of qualification, cannot act arbitrarily or fancifully. At this juncture, we also deem it apposite to refer to the decision in ***Tej Pal Singh & Anr. v. Govt. of NCT of Delhi***

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<sup>50</sup> (2021) 12 SCC 80



& *Anr.*<sup>51</sup> rendered by a learned Single Judge of this Court, which was reaffirmed all the way up to the Apex Court and hence attained finality. This Court in the said judgment carved out the necessity of reservations and their importance in public employment. It was held that Articles 14 and 16(4) of the Constitution of India were enabling provisions aimed at eradicating social and economic inequality. The petitioners therein belonged to the SC category, and their candidature was not considered by the relevant authority since their respective caste certificates were issued post the last date for submission. This Court decided in favour of the petitioners-candidates holding that if a candidate belonged to SC category, that is so by virtue of his/her birth, and hence, it could not be said that they did not belong to the SC category prior to the stipulated date. Consequently, the cut-off date was held to be arbitrary. The decision categorically provided that candidates belonging to SC and ST categories, who couldn't file their requisite certificates in time, could not have been rejected only due to late submission. We reproduce the relevant extract hereinbelow:

*“13. Thus as per the aforesaid provisions when the certificate is produced it is subject to the verification so that the authorities concerned are satisfied about the genuineness of the certificate and the fact that candidate belong to SC/ST category. Moreover even if no certificate is produced the appointment is to be given to SC or ST candidate provisionally on the basis of whatever prima facie proof he is able to produce in support of his claim subject to furnishing the prescribed certificate within reasonable period. Not only this it is further prescribed that if the candidate is feeling genuine difficulty in obtaining certificate, the authority should itself verify his claim through the Magistrate concerned and appointment of SC/ST candidates should not be withheld/delayed pending such verification of caste status. To my mind, these instructions which prescribe the procedure as to how and when*



certificate is to be or can be produced, clinch the issue in this case. **It prescribes, in no uncertain terms that a person who claims to belong to SC/ST category is not to be denied appointment merely because he has not been able to produce the certificate.** On the contrary even after the provisional **appointment he is unable to produce the certificate because of genuine difficulty, obligation is cast upon the authorities to verify his claim.** In this case admittedly all the petitioners produced the certificate before 30th June, 1998 to the effect that they belong to SC category. However, these certificates were issued by other State Governments and not by Government of NCTD. Thus along with their application they submitted prima facie proof in support of their claim that they belong to SC category. Not only this they could even produce the certificate from competent authority of government of NCTD also much before the verification of the original certificates by the Board. Thus the appointment could not have been denied to the petitioners merely because the certificate issued by the competent authority of government of NCTD are dated after 30th June, 1998.

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**...If a person is SC his is so by birth not by acquisition of this category because of any other event happening at a later stage. A certificate issued by competent authority to this effect is only an affirmation of fact which is already in existence. The purpose of such certificate is to enable the authorities to believe in the assertion of the candidate that he belongs to 'SC' category and act thereon by giving the benefit to such candidate for his belonging to 'SC' category.** It is not that petitioners did not belong to 'SC' category prior to 30th June, 1998 or that acquired the status of being 'SC' only on the date of issuance of the certificate. In view of this position, necessitating upon a certificate dated prior to 30th June, 1998 would be clearly arbitrary and it has no rationale objective sought to be achieved.

While taking a particular view in such matters one has to keep in mind the objectives behind the post of SC and ST categories as per constitutional mandate prescribed in Articles 15(4) and 16(4) which are enabling provisions authorising the government to make special provisions for the persons of SC and ST categories. **Articles 14(4) and 16(4), therefore, intend to remove social and economic inequality to make equal opportunities available in reality. Social and economic justice is a right enshrined for protection of Society.** The right to social and economic justice envisaged in the Preamble and elongated in the Fundamental Rights and Directive Principles of the Constitution, in particular Arts. 14, 15, 16, 21 38, 39 and 46 are to make the quality of the life of the poor, disadvantaged and disabled citizens of the society meaningful.”

(emphasis supplied)



49. Further, in *Hari Singh* (supra), the candidature of certain candidates was rejected due to non-supply of their respective OBC-NCL certificate, a Division Bench of this Court directed that provisional appointment should have been granted. It was held that if a candidate is certified as OBC-NCL at any time after the stipulated last date, such candidate cannot be said that he doesn't belong to the OBC-NCL category as on any date prior to the said certification. It was held that there is no logical reason to outrightly reject candidate wherever a doubt arises. Hence, the Court, while dissecting the decision in *Tej Pal Singh* (supra), held the following:

*“47. The prescription in the public notice in question that the closing date for receipt of application would be treated as the date of reckoning of OBC status of the candidate and also for ascertaining that the candidate does not fall in the creamy layer, in our view, **is a prescription evolved for the benefit of the candidates belonging to OBC category and not for the purpose of ousting them from the benefit of reservation.** What the NOTE under Clause 4(B) (set out in para 5 above) provides is that, if a candidate is certified as being an OBC category candidate not falling within the creamy layer prior to the close of the date of submission of applications (i.e. 14.09.2007 in this case) then the candidate would be treated as an OBC candidate not falling in the creamy layer for the purpose of the examination in question, and the issue that the candidate may have come into the creamy layer subsequently, i.e. after the date of closing, would not be relevant or gone into to deny the benefit of reservation to such a candidate.*

*48. The prescription in the NOTE appended to Clause 4(B) does not get whittled down merely by acceptance of an OBC certificate issued on a later date. **A candidate who is certified as belonging to an OBC and as not belonging to the creamy layer on a later date than the one fixed by the public advertisement cannot be assumed to be as falling under the creamy layer on any date prior to the date of issuance of the certificate.** There would be no basis for such an assumption. The possibility of such an eventuality is highly remote.*



*In fact, the greater probability is that a candidate who may have been certified as an OBC candidate falling outside the creamy layer, may actually get covered by the creamy layer on a later date.*

*49. In any event, we are not suggesting that the respondents are precluded from examining the issue of eligibility of any candidate to claim the benefit of reservation. **But, they cannot reject the candidature of such a candidate as a reserved category candidate and are bound to consider the candidature of the candidate concerned “provisionally” and, subject to the final determination, to even appoint the person concerned if found otherwise eligible and meritorious.** Similar submissions have already been rejected by this Court in Anu Devi (supra) and in Poonam Chauhan (supra).*

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*51. Though it is true that the express provision contained in paragraphs 3 and 4, as extracted above from Chapter II of Swamy's Compilation on Reservations and Concessions for Scheduled Caste and Scheduled Tribe, may not per se be applicable to OBC category candidates, **there, is no rationale for not extending the same to the OBC category candidates as well.** Historically, reservations for the SC and ST candidates have been in existence for a much longer period, whereas reservations for the Other Backward Classes have been, introduced only after the framing of the Mandal Commission Report. Therefore, government rules and instructions which were framed for SC and ST category candidates, prior to the coming into force of the law granting reservation to OBC category candidates, could possibly not have provided for similar treatment to the cases of Other Backward Classes. It is for this reason that paragraphs 3 and 4, as aforesaid, does not deal with candidates belonging to the OBC category. **Otherwise, there appears to be no rationale or justification for limiting the benefit of the said Government instructions to the SC and ST candidates, and not extending the same to the OBC category candidates as well.** As a matter of fact, the Note II extracted in para 7 above embodies the same approach as is found in paras 3 and 4 of Chapter II of Swamy's compilation above referred to. However, we make it clear that we are not holding that paras 3 & 4 of the said Swamy's Compilation would per se apply to cases of OBC candidates as well. That would be a policy decision for the Competent Authority to take. We would, however observe that the logical and rational step for the Competent Authority to take*



would be to extend the application of the procedure devised in the said paragraphs to the OBC category candidates as well.”

(emphasis supplied)

**50.** In *Delhi Subordinate Services Selection Board & Anr. v. Ms. Anu Devi & Anr.*<sup>52</sup>, a Division Bench of this Court held that a person would fall under the OBC category when a competent authority notifies the caste of a person as a backward class. The Court reasoned therein that furnishing the certificate is only a “ministerial act” since eligibility under the OBC category was not akin to acquiring educational qualification. We deem it beneficial to reproduce the relevant excerpt of the judgment hereinbelow:

“19. In any case the submission of OBC certificate for reservation under the OBC category cannot be equated with acquisition of the educational qualification. A candidate becomes eligible under the OBC category, the day the caste he belongs to is notified by the appropriate authority as a backward class. Though the learned counsel for the petitioners has emphasized that whether a candidate belongs to a creamy layer or not is to be determined only on issuance of a certificate, however, taking into consideration the entirety of the facts and circumstances, in our view the candidates not belonging to a creamy layer whose caste is notified as a backward class becomes entitled for reservation under the OBC category and submission of the requisite certificate is only a ministerial act which cannot be equated with acquisition of educational qualification to become eligible for a post. Consequently, the plea of the learned counsel for the petitioners that the respondents/candidates became eligible for selection in the OBC category on the dates the certificates were issued by the appropriate authorities, cannot be accepted. This plea in the present facts and circumstances should also be not accepted because in all the cases except in the case of *Rekhawati* (*Supra*) the candidates had applied for OBC certificate before the closing date for submission of forms which was 29th October, 2007. In the circumstances for the delay on the part of the authorities in preparing and giving the OBC certificate, it cannot be inferred or held that the candidates were not eligible for selection under the OBC category.”

(emphasis supplied)



**51.** In *Anil Kumar* (supra), the OBC certificate of the petitioners was not considered by the respondent authority since it was issued after the stipulated cut-off date, and they were treated as candidates under the UR category. However, the respondent authority was directed to consider the subsequently issued OBC certificates furnished by the petitioners. The Division Bench of this Court, relying upon various decisions such as in *Anu Devi* (supra), *Hari Singh* (supra) etc., reasoned in favour of the candidates as to not deprive them of their fundamental rights solely on technical grounds, i.e., because the issuance date of the certificate was not within the cut-off period, and called for a liberal approach.

**52.** The Supreme Court in *Ram Kumar Gijroya* (supra) reaffirmed the decision rendered by the learned Single Judge in the said matter and granted relief to the candidates while setting aside the decision of the Division Bench. It was held that if an otherwise qualified candidate is invalidated on account of non-submission of OBC certificate before the cut-off date, it would amount to denial of equal opportunity envisaged by the Constitution of India under Articles 14, 15, 16 and 39-A. This decision is in the pursuit of tackling inequality in public employment with respect to socially and educationally backward classes in society and give them an equitable competing chance. Further, the Apex Court in *Ram Kumar Gijroya* (supra) categorically held that the Division Bench had erred in not considering the decision of a Single Judge in *Pushpa* (supra), highlighting that the said decision was aligned with the binding precedents laid down in *Indra Sawhney & Ors. v. UOI &*



*Ors.*<sup>53</sup> and *Mrs. Valsamma Paul v. Cochin University & Ors.*<sup>54</sup>, along with *Tej Pal Singh* (supra).

53. Accordingly, we deem it fit to delineate the decision rendered in *Pushpa* (supra). The learned Single Judge in the said decision traversed the history and the need for caste-based reservation and how “equality permeates the Constitution of India” to hold that the SC and ST candidates could not be rejected merely on the ground of late submission of their requisite certificate by relying on *Indra Sawhney* (supra) and *Tej Pal Singh* (supra).

54. Further, in *Mrs. Valsamma Paul* (supra) it was held by the Apex Court that the reservations were provided to certain classes to ensure, *inter alia*, equal status and dignity and advancement. It was held that furnishing the requisite certificate within a reasonable period of time would hold good and the same is not liable to be rejected even if it is submitted after the cut-off period/last date of submission.

55. Lastly, the learned Single Judge of this Court in *Ravi Kumar* (supra) extensively examined the decisions in, *inter alia*, *Ram Kumar Gijorya* (supra), *Pushpa* (supra), *Tej Pal Singh* (supra), *Hari Singh* (supra) and *Anil Kumar* (supra) to hold that the OBC certificate “merely certifies an existing fact” and thus, the candidate’s OBC-NCL certificate issued post the cut-off date was directed to be considered by the concerned authority. This decision was upheld by a Coordinate

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<sup>53</sup> 1992 Supp (3) SCC 217

<sup>54</sup> AIR 1996 SC 1011



Bench of this Court in *All India Institute of Medical Sciences* (supra).

We reproduce the relevant excerpt of the former decision below:

“59. In terms of the authoritative pronouncements in *Pushpa* (supra) and *Ram Kumar Gijroya* (SC), it is clear that the insistence by the respondent on the OBC-NCL certificate issued during the given cut-off date does not have any rational nexus with the object of reservation of seats in educational institutions. Further, applying *Anil Kumar* (supra), *Ram Kumar Gijroya* (SC) read with the order of the Division Bench of this court in *Ram Kumar Gijroya* (DB), it is clear that the requirement of an OBC certificate cannot be equated with that of an academic/technical qualification and thus, should correspond to a reasonable basis. For, the caste certificate for reservation is merely a proof of an existing fact. The certificate merely certifies an existing fact. Thus, the petitioner’s OBCNCL certificate dated 23.11.2023, shall be considered by the respondent for the purpose of admission, subject to fulfilment of other conditions relating to the said category.

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67. In fact, the mechanism for availing the benefit of reservation, which undeniably caters to the socially and educationally backward classes, should not only be easy and logical, but also non-cumbersome. If the process itself becomes an obstacle, it operates as an affront on the constitutional goal of ensuring equality of opportunity. The basic feature of equality operates in a layered manner and the understanding of equality is still evolving. The concepts of direct and indirect discrimination, substantial and non-substantial equality etc. are increasingly finding place in the judicial discourse. The concept of reservations is not secluded from the layers of inequality and is, in fact, placed at the heart of the equality discourse. For the longest time, this concept was understood as antithetical to the concept of equality of opportunity. It took us long, as a society, to accept the fact that the reservation policy is itself a dimension of the concept of equality of opportunity and is not antithetical to it. The issues with respect to implementation of the policy have emerged time and again. However, such issues, like the present one, are to be resolved keeping in view the ultimate goal of securing substantial equality.

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90. ...b. The requirement of an OBC-NCL certificate is fundamentally different from a technical/academic qualification.



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*While the former is mere evidence of what already exists, the latter refers to the acquisition of a qualification.*

*c. In terms of **Pushpa (supra)**, read with **Ram Kumar Gijroya (SC)**, **Ram Kumar Gijroya (DB)**, **Mukesh Kumar Yadav (supra)**, **Karn Singh Yadav (supra)**, the insistence by the respondent on the submission of the OBC-NCL certificate issued during the given cut-off date, is arbitrary and has no rational nexus with the object of reservation. Also, the candidature may not be cancelled solely on account of submission of the OBC-NCL certificate issued beyond the cutoff date, but within the extended time provided by the respondent.”*

(emphasis supplied)

**56.** Keeping the abovementioned legal framework in mind, at this stage, it is apposite to set forth certain foundational facts which have a direct bearing on the adjudication of the present batch of writ petitions. Firstly, all the petitioners were in possession of OBC-NCL certificates, however, the same were not issued within stipulated timeframe, i.e., 01.04.2023 to 16.05.2023 and 01.04.2024 till 14.05.2024 for the examination year 2023 and 2024 respectively (apart from petitioner in W.P.(C) No. 10006/2025). Secondly, the sole ground for the rejection of the candidature of the petitioners was that the certificates were not issued within the stipulated timeframe. Thirdly, the requirement of submission of OBC-NCL certificate specifically issued within the said duration was itself communicated to candidates well after the cut-off period had already commenced, effectively leaving only about 20 days for the candidates to obtain OBC-NCL certificates. Fourthly, the prospectus/examination notification clarifies that appointment or selection of the candidates would be on a provisional basis. Fifthly, the OM dated 08.10.2015 issued by DoPT permitted that candidates falling under reserved categories may be appointed provisionally, provided



there is some *prima facie* proof indicating their eligibility. The OM further permits the appointing authority to itself seek verification from the District Magistrate concerned in this regard.

**57.** The petitioners' case in a nutshell is that they possessed valid OBC-NCL certificates (which were not issued within the cut-off period) for securing relaxation in the CAPF (AC) Examination, however, as per them, they were not able to procure the said certificates within the stipulated window owing to the delayed communication of the cut-off period because of which they were provided only a short and difficult timeframe to obtain such certificate. On the other hand, the respondent's case in essence is that the issuing authority has discretionary power to impose cut-off dates with respect to recruitment process. Further, the respondents emphasise that the eligibility criteria fixed in the recruitment rules and advertisement cannot be altered after the selection process has commenced. According to them, when the rules specify a particular date by which all qualifications must be possessed, that date is final and binding. They rely on *Anu Kumari* (supra), *Ashok Kumar Sharma* (supra), *Yogesh Kumar* (supra), *Pankaj Nailwal* (supra), *Pankaj Choudhary* (supra) and *Amit Lal Bhatt* (supra) to stress that no relaxation or deviation from the stipulated cut-off date is permissible, and that the authority conducting the recruitment has full discretion to fix such a date.

**58.** In the present case, it is not the case of respondents that the petitioners did not possess any OBC-NCL certificates, rather, it is evident from the record that the petitioners were in possession of OBC-



NCL certificates for the relevant FY of the CAPF (AC) Examination of 2023 and 2024. The only impediment appears to be that the certificates were not issued within the stipulated timeframe. Hence, in the absence of any material grounds such as non-supply, fabrication, etc., for the cancellation of candidature of the petitioners, this Court cannot deem the OBC-NCL certificates as invalid for the purposes of recruitment merely on the ground that they were not issued during the stipulated cut-off period, i.e., 01.04.2023 to 16.05.2023 or between 01.04.2024 to 14.05.2024 respectively. Therefore, keeping in mind the decisions of **Ravi Kumar** (supra) and **Ms. Anu Devi** (supra) we find that a caste certificate merely reaffirms a pre-existing fact and furnishing the said certificate is only “ministerial” in nature and is also in tandem with the principles of equality and affirmative action envisaged by our Constitution under Articles 14 and 16.

**59.** We further find that to cancel the candidature of otherwise eligible candidates, on sole grounds of issuance date, deprives the petitioners of their fundamental rights under Articles 14 and 16 of the Constitution of India and actually runs contrary to the object sought to be achieved by providing reservations in public employment as per the reasoning laid down in **Ram Kumar Gijroya** (supra), **Anil Kumar** (supra) and **Pushpa** (supra) discussed in the foregoing paragraphs.

**60.** Additionally, the present case is peculiar to the extent that the issuing authority itself has been negligent in communicating the recruitment rules. Hence, the delay cannot be attributed to the petitioners, as even though the Academic Calendar was issued a year



ago, it only stipulates the date of notification/prospectus and the last date for submitting applications. The petitioners could not have reasonably predicted the requirement of obtaining the requisite OBC-NCL certificate within the stipulated duration and to add salt to the injury, the said factum came to be communicated to them after the period had already begun. There is no doubt that the petitioners could legitimately expect the respondents to act in a reasonable manner and communicate the said mandate before commencement of the cut-off window or at least at the beginning. However, this Court is unable to find any indication that the respondents discharged this obligation in a reasonable manner. As per *Sivanandan C.T.* (supra), only greater principles of public interest at large may override a claim of legitimate expectation, however, there is no reasonable justification by the respondents for a lapse of 24 days in 2024 and 26 days in 2023 in intimating the duration and the cutoff date for validity of the certificate. Accordingly, it cannot also be reasonably expected that the said certificate could have been issued by the competent authority within the remaining of twenty days in the cut-off period.

**61.** Additionally, considering that the petitioners were not able to furnish their respective certificates, the respondents could have acted in furtherance of the OM dated 08.10.2015 by permitting the petitioners to participate provisionally or themselves verifying their OBC-NCL status from the concerned authority in furtherance of fundamental rights owed to the petitioners under Articles 14 and 16 of the Constitution of India and as authoritatively held in the decisions of *Hari Singh* (supra) and *Ram Kumar Gijroya* (supra).



**62.** It is made out from the record placed before us that the petitioners herein were in possession of OBC-NCL certificate prior to and beyond the cut-off period.

**63.** At this juncture, we find it relevant to refer to the law laid down in *Hari Singh* (supra) which clarifies that if a candidate possesses an OBC-NCL certificate beyond the last date of submission, it cannot be held that such person did not hold such status on any date prior to the issuance of the certificate. Further, as held in *Anu Devi* (supra), the eligibility under OBC category cannot be equated to other technical/educational criteria for selection since it is not something one acquires later in life but is merely a confirmation of the status already possessed by an individual. The eligibility under the OBC category is by virtue of one's birth and stems from our Constitution itself.

**64.** This Court also notes that it is indeed well-established by a plethora of judgments, including *Shankarsan Dash v. Union of India*<sup>55</sup> that while there is no indefeasible right to be appointed in public employment, there is an inalienable right to be considered for such appointment and to be placed within the zone of consideration. It is also well-established in numerous decisions including *Secretary, State of Karnataka v. Uma Devi*<sup>56</sup> that an irregular appointment may be regularised unless it is illegal. In pursuit of justice and fairness, mere delay in obtaining the OBC-NCL certificates shall be deemed as a

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<sup>55</sup> (1991) 3 SCC 47

<sup>56</sup> (2006) 4 SCC 1



curable defect and cannot be the sole ground to disentitle the petitioners, especially when there is lapse in timely communication by the respondents. Procedural compliance cannot be an impediment in the broader pursuit of justice. Where a party is inherently entitled, delayed production of proof to that effect, cannot defeat or dilute the substantive rights owed to them.

**65.** Pertaining to the petitioner in W.P.(C) No. 10006/2025, who was treated as a candidate under the UR category since her caste certificate was not accepted by the respondents, reliance was placed on *Latika* (supra) by the learned Counsel for the petitioners to contend that she was compelled to continue in the selection process as an UR category candidate. The decision in *Latika* (supra) relied upon *Manjusha Banchhore v. Staff Selection Commission*<sup>57</sup>. The latter decision was rendered by a Division Bench of this Court wherein such a compelling situation was deemed as a “Hobson’s choice” and hence, the choice was deemed involuntary. We are in agreement with the contention raised by learned Counsel for the petitioners. The petitioners across all the petitions herein are aspirants for the CAPF (AC) Examination, and hence, do not possess any bargaining power while interacting with administrative bodies. This Court can safely arrive at the conclusion that the petitioner herein was effectively constrained to proceed in the selection process as a UR candidate.

**66.** In light of the above tapestry of decisions, we are of the considered view that categorical and rigid stipulation of the issuance



date for OBC-NCL certificates bears no rational nexus with the object sought through affirmative action of reservation in employment, i.e., equality in opportunity in public employment to reserved categories. On the contrary, it may even prove to be detrimental by excluding otherwise qualified candidates from consideration for selection/appointment. In light of the fact that the petitioners *did* possess OBC-NCL status at the relevant time, as depicted from their certificates on record, the only impediment that seems to exist is that their certificates were not issued within the stipulated timeframe. However, an administrative decision or action or cannot deprive an individual of the fundamental rights owed to them under Articles 14 and 16 of the Constitution of India, since there exists a legitimate expectation of reasonableness in administrative action, especially from constitutional and administrative bodies such as the respondents.

**67.** Hence, in view of the abovementioned decisions, this Court is of the firm view that caste certificates are reiteration of pre-existing facts and cannot be compared to other technical/educational criteria. In light of *Hari Singh* (supra), once an OBC-NCL certificate is issued, it cannot be said that the applicant is not eligible for the same on any date prior to the issuance of this certificate. Additionally, one's status as under the OBC category is substantially distinct since it exists by virtue of birth and is not something to be acquired subsequently as held in *Tej Pal Singh* (supra). Invalidation of candidature on account of late submission of caste certificate is, in view of *Anil Kumar* (supra) and *Ram Kumar Gijroya* (supra), violative of fundamental rights of the petitioners. Hence, the cut-off period and its delayed communication



thereof are arbitrary and unreasonable and lack rational nexus with the object sought to be achieved through reservation in recruitment.

**68.** Having said the above, we shall now consider the contentions advanced on behalf of the respondents.

**69.** The contention put forth on behalf of the respondents that some of the reserved category candidates were able to procure and submit their respective OBC-NCL certificates within the cut-off period, does not negate the fact that the insistence on the stipulated cut-off window in effect deprives otherwise qualified candidates of their right under Article 16 of the Constitution of India. Thereafter, reliance was placed on *Yogesh Kumar* (supra), *Pankaj Nailwal* (supra), *Bhupinderpal Singh* (supra), *Ashok Kumar Sonkar* (supra) to contend that recruitment rules should be strictly adhered to and that in absence of the stipulation of a cut-off date, the last date for submission of application may be considered. While the aforesaid principles are well-established, these decisions are distinguishable from the case at hand since the issuing authority herein itself had delayed the communication of the cut-off period.

**70.** Reliance was also placed on *Amit Lal Bhatt* (supra) and *Hirandra Kumar* (supra) to contend that the concerned authority possesses discretionary power to fix a cut-off date. This Court is in agreement with the view taken in these decisions. However, this Court cannot be oblivious to the entirety of facts involved in the present controversy. It is well-settled that the authority concerned has the power



to stipulate cut-off periods. However, such cut-off period must be free from arbitrariness and/or unreasonableness. The concerned authority cannot exercise unfettered discretion. The power of stipulating such cut-off periods must be balanced with the rights owed to the candidates under Articles 14 and 16 of the Constitution of India. Administrative/ Regulatory/ Constitutional bodies cannot adopt an overly scrupulous and unyielding approach.

**71.** The learned Counsel for the respondents relied on the well-established principle that rules of the game cannot be changed once the game has begun. Reliance in this regard was placed on *Tej Prakash Pathak* (supra) and *Hemani Malhotra* (supra). However, in the present case, the cut-off period was itself introduced midway and led to deprivation of fundamental right under Article 16(4) of our Constitution. Thus, in a way these judgments run contrary to the proposition being argued by the Respondents. Moreover, they also do not account for lapse and delay on part of the issuing authority.

**72.** The learned Counsel for the respondents further placed reliance on *Shikhar* (supra), *Divya* (supra) and *Gaurav Singh* (supra) to assert the sanctity of the cut-off period stipulated by the issuing authority and that certificates submitted beyond such period will not be considered. We find that the reliance placed on *Shikhar* (supra), is of no avail to respondents since it does not account for the lapse of the issuing authority, that only 20 days were effectively granted to the petitioners to procure the OBC-NCL certificates. Further, in *Divya* (supra), it was held that the recruitment rules would prevail and in absence thereof, the



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last date for the submission of application form would be considered to determine eligibility. This decision applies to the Economically Weaker Section<sup>58</sup> category, whereby it was held that assets of a particular FY (prior to the year of submission) go to the root of eligibility and the candidates whose Income and Asset Statement are not in order, don't have any legal right to be considered. In the case at hand, the eligibility under OBC category is acquired the moment a caste is categorised as a backward class. Further, the petitioners herein possessed the OBC-NCL certificates for the relevant year but not within the cut-off period, which may be deemed as a technical error not going into the root of eligibility. Similarly, as per **Gaurav Singh** (supra), the controversy before this Court could be termed as a technical irregularity. This decision also pertains to EWS category. The aforesaid judgments do not account for the delay in communication on part of the issuing authority. At the cost of repetition, in the present case, the petitioners hold OBC-NCL certificates for the relevant year of examination, the only obstacle is that they were not issued within the stipulated window.

**73.** Further reliance was placed on **A.P. Public Service Commission Hyderabad** (supra) on behalf of the respondents to contend that determination of eligibility cannot be left uncertain till the final stages of selection. We find that this decision pertains to age limitation criteria and hence has no applicability in the present case since the underlying rationale behind age criteria and eligibility criteria for reserved categories stems from different objectives. Reliance was also placed on **Ashok Kumar Sharma** (supra) and **Rekha Chaturvedi** (supra) to



contend that qualification of a candidate must be examined as on the last date of submission of application. These decisions are also of no avail to the respondents since they pertain to technical/educational qualifications which are inherently distinct from OBC-NCL eligibility. Additionally, as held in ***Hari Singh*** (supra), once such certificate is issued, it cannot be said that the person concerned is not eligible for the same on any date prior to the issuance of this certificate.

**74.** Lastly, reliance was placed on behalf of respondents on ***Ruby*** (supra), ***C. Girija*** (supra), ***K.A. Nagamani*** (supra), ***Vaibhav*** (supra) and ***Madan Lal*** (supra) to contend estoppel on part of the petitioners. We do not agree with the contention of estoppel in the present case. The petitioners herein cannot be said to have acquiesced to the impugned cut-off period, rather it is the very foundation of their grievance before this Court, namely, the impracticability of obtaining an OBC-NCL certificate within a severely truncated window, i.e., twenty days. The grievance only arose after the issuance of the examination prospectus which was released *during* the cut-off period itself. Hence, the petitioners were not afforded any real or effective opportunity to raise an objection in advance. Further, since the petitioners are aspirants seeking to qualify for the CAPF (AC) Examination, the contention of estoppel is untenable because they had no bargaining power in the situation. Their participation cannot be construed or equated to waiver of their rights, but rather as a compelled choice in pursuit of their respective future prospects or can be seen as “Hobson’s choice” as held in ***Manjusha Banchhore*** (supra). The candidates cannot negotiate recruitment rules and are required to adhere to them regardless of their



impropriety. Hence, it is the duty of the concerned regulatory/constitutional/administrative bodies to act fairly, reasonably, and in consonance with the principles of natural justice.

## **CONCLUSION**

**75.** In light of the decisions in, *inter alia*, **Ravi Kumar** (supra), **Ram Kumar Gijorya** (supra), **Pushpa** (supra), **Tej Pal Singh** (supra), **Hari Singh** (supra), **Anil Kumar** (supra), **Indra Sawhney** (supra), **Mrs. Valsamma Paul** (supra), and **Anit Kumar Das** (supra), this Court finds that the cut-off period stipulated from 01.04.2023 to 26.04.2023 and from 01.04.2024 to 24.04.2024 respectively, is arbitrary. Hence, the prayer assailing Rule 21.2 of the Examination Rules issued by the MHA in 2023 and 2024 is allowed. We hold so because:

**75.1** The power to stipulate eligibility criteria is not unlimited and cannot be exercised in an arbitrary manner as held in **Zahoor Ahmad Rather** (supra) and **Anit Kumar Das** (supra).

**75.2** The test under Article 14 of the Constitution of India is not satisfied, i.e., the cut-off date does not have any rational nexus with the object sought to be achieved by way of reservations in public employment.

**75.3** The OBC-NCL certificates hold validity for a year, and the petitioners herein have furnished OBC-NCL certificates for the relevant year of examination. Though the stipulated cut-off date for issuance of



OBC-NCL falls in between the FY, however, as held in ***Ravi Kumar*** (supra), the cut-off period must correspond to the FY.

**75.4** The cut-off date in the middle of the FY deprives the petitioners of rights owed to them under Article 16 of the Constitution of India.

**75.5** Put differently, the OBC-NCL certificate shall be considered by an appointing/recruiting authority so long as its date of issuance falls within the same FY as that of the examination for which the candidate appears.

**76.** In view of the aforementioned discussion and considering the lapse on part of the respondents, along with the OM dated 08.10.2015, this Court deems it appropriate to relax the stipulated cut-off period for issuance of the OBC-NCL certificates. The insistence of the respondents on the cut-off period has deprived otherwise eligible petitioners-candidates and is in the teeth of the affirmative action as envisaged by our Constitution in providing reservation in public employment. Such insistence cannot be allowed to override rights owed to the petitioners under Article 16 of the Constitution of India. In cases of non-supply of the OBC-NCL certificates, the concerned authorities ought to have acted in furtherance of the directions in the OM dated 08.10.2015, i.e., select eligible candidates on provisional basis subject to verification or themselves verify their status from the concerned authority. Therefore, the respondents are directed to consider the OBC-NCL certificates regardless of whether they were issued post the cut-



off date as long as they are issued within the relevant FY, i.e., 1<sup>st</sup> April 2023 to 31<sup>st</sup> March 2024 and 1<sup>st</sup> April 2024 to 31<sup>st</sup> March 2025 respectively. The respondents are further directed to consider the candidature of the petitioners at the respective stages of the selection process subject to verification of the OBC-NCL certificates furnished by them whereby the cut-off date shall not be a factor for disqualification. However, the respondents shall be at liberty to test and/or examine the other criteria of eligibility and/or qualification required for appointment of the respective petitioner.

**77.** The writ petitions are allowed in the abovementioned terms. Pending applications, if any, stand disposed of.

**78.** There shall be no order as to costs.

**OM PRAKASH SHUKLA, J.**

**C.HARI SHANKAR, J.**

**DECEMBER 10, 2025/pa/rjd**